

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

Claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

### **2.) Allowable Subject Matter**

The Applicant gratefully acknowledges the allowance of claims 11 and 12.

### **3.) Claim Rejections – 35 U.S.C. § 102(e)**

On Page 2 of the Office Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(e) as being anticipated by Hansen, et al. (US 7,349,345). The Applicants respectfully disagree. The Examiner's reconsideration of the pending claims is respectfully requested in view of the following remarks.

Claim 1 recites executing a first loop-back test between an intermediate node and a first end node according to a standard of a first transmission medium; and executing a second loop-back test between the intermediate node and a second end node according to a standard of a second transmission medium. Hansen, on the other hand, includes a wire cross connect device 14, which switches test signals originating at the DSLAM 12 to a test telephone 24, a test loop back converter 26, or a test integrated service hub (ISH) 22. These test devices then *emulate* a portion of the network connection between the DSLAM and the customer's telephone 18, and tests are conducted on the emulated connections. (Hansen, col. 4, lines 30-33; col. 4, lines 43-48; col. 5, lines 5-29; col. 5, lines 36-40; FIGS. 2-4). Thus, Hansen diverts test signals to emulated end points, and does not test the actual connections all the way to the first and second end nodes, as recited in claim 1. Therefore, the withdrawal of the rejection and the allowance of claim 1 are respectfully requested.

Claim 8 depends from claim 1 and recites further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claim 8 is respectfully requested.

**4.) Claim Rejections – 35 U.S.C. § 103(a)**

On Page 4 of the Office Action, the Examiner rejected claims 2 and 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of the admitted prior art of the instant application in paragraph [0002-0004], hereinafter referred to as the APA. The Applicants have amended the claims to better distinguish the claimed invention from Hansen and APA. The Applicants respectfully disagree. The Examiner's reconsideration of the pending claims is respectfully requested in view of the following remarks.

Claims 2, 9, and 10 depend from base claim 1 and recite further limitations in combination with the novel elements of claim 1. The Examiner's arguments again rely on the erroneous reading of Hansen discussed above. As noted, Hansen diverts test signals to emulated end points, and does not test the actual connections all the way to the first and second end nodes, as recited in base claim 1. Applicants' APA also fails to teach or suggest testing the actual connections all the way to the first and second end nodes, as recited in base claim 1. Thus, the combination of Hansen and APA does not teach or suggest all of the claimed limitations, and a *prima facie* case of obviousness has not been established in accordance with MPEP 2143. Therefore, the allowance of claims 2, 9, and 10 is respectfully requested.

On Page 5 of the Office Action, the Examiner rejected claims 3-7 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of the Applicants' APA, and further in view of Xu (US 2004/0052263). The Applicants respectfully disagree. The Examiner's reconsideration of the pending claims is respectfully requested in view of the following remarks.

Claims 3-7 depend from base claim 1 and recite further limitations in combination with the novel elements of claim 1. The Examiner's arguments again rely on the erroneous reading of Hansen discussed above. As noted, Hansen diverts test signals to emulated end points, and does not test the actual connections all the way to the first and second end nodes, as recited in base claim 1. Applicants' APA also fails to teach or suggest testing the actual connections all the way to the first and second end nodes, as recited in base claim 1. Xu discloses an OAM loopback test for testing a DSL loop,

but does not disclose or suggest executing a first loop-back test between the intermediate node and the first end node according to a standard of the first transmission medium; and executing a second loop-back test between the intermediate node and the second end node according to a standard of the second transmission medium. Thus, the combination of Hansen, APA, and Xu does not teach or suggest all of the claimed limitations, and a *prima facie* case of obviousness has not been established in accordance with MPEP 2143. Therefore, the allowance of claims 3-7 is respectfully requested.

On Page 7 of the Office Action the Examiner rejected claims 13, 16-19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of Xu. The Applicants respectfully disagree. The Examiner's reconsideration of the pending claims is respectfully requested in view of the following remarks.

Claim 13 is an independent system claim corresponding to method claim 1. Claim 13 recites limitations similar to the limitations of claim 1. The Examiner's arguments again rely on the erroneous reading of Hansen discussed above. As noted, Hansen diverts test signals to emulated end points, and does not test the actual connections all the way to the first and second end nodes, as recited in claim 13. Xu also fails to disclose or suggest executing first and second loop-back tests between the intermediate node and the first and second end nodes. Thus, the combination of Hansen and Xu does not teach or suggest all of the claimed limitations, and a *prima facie* case of obviousness has not been established in accordance with MPEP 2143. Therefore, the allowance of claim 13 is respectfully requested.

Claims 16 and 17 depend from base claim 13 and recite further limitations in combination with the novel elements of claim 13. Therefore, the allowance of claims 16 and 17 is respectfully requested.

Independent claim 18 is an apparatus-type claim for an intermediate node that connects a first end node and a second end node in a communication network. Claim 18 recites means for sending a first loop-back test message from the intermediate node to the first end node according to a standard of a first transmission medium, and means for receiving a response to the first loop-back test message from the first end node. Claim 18 also recites means for sending a second loop-back test message from the

intermediate node to the second end node according to a standard of a second transmission medium, and means for receiving a response to the second loop-back test message from the second end node.

The Examiner's arguments again rely on the erroneous reading of Hansen discussed above. As noted, Hansen diverts test signals to emulated end points, and does not test the actual connections all the way to the first and second end nodes, as recited in claim 18. Xu also fails to disclose or suggest executing first and second loop-back tests between the intermediate node and the first and second end nodes. Thus, the combination of Hansen and Xu does not teach or suggest all of the claimed limitations, and a *prima facie* case of obviousness has not been established in accordance with MPEP 2143. Therefore, the allowance of claim 18 is respectfully requested.

Claims 19 and 21 depend from base claim 18 and recite further limitations in combination with the novel elements of claim 18. Therefore, the allowance of claims 19 and 21 is respectfully requested.

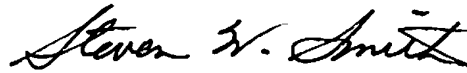
On Page 8 of the Office Action, the Examiner rejected claims 14-15 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Hansen, in view of Xu, and further in view of the APA. Claims 14 and 15 depend from base claim 13, and claim 20 depends from base claim 18. Claims 13 and 18 are allowable for the reasons discussed above. Therefore, the allowance of dependent claims 14, 15, and 20 is respectfully requested.

## **5.) Conclusion**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-21.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith  
Registration No. 36,684

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-1572  
steve.xl.smith@ericsson.com